



January 26, 2001

SENATE BILL No. 72

DIGEST OF SB 72 (Updated January 24, 2001 5:59 PM - DI 106)

Citations Affected: IC 34-12; noncode.

Synopsis: Legal actions involving firearms. Prohibits an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or any governmental entity from bringing an action against a firearms or ammunition manufacturer, trade association, or seller for: (1) recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, or sale of a firearm or ammunition for a firearm; or (2) recovery of damages resulting from the criminal or unlawful misuse of a firearm or ammunition for a firearm by a third party.

Effective: Upon passage.

Meeks R, Nugent, Waterman

January 8, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 25, 2001, amended, reported favorably — Do Pass.

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SB 72—LS 6058/DI 69+



January 26, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 72

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-12-3 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 3. Legal Actions Involving Firearms and Ammunition**
5 **Manufacturers, Trade Associations, and Sellers**

6 **Sec. 1. As used in this chapter, "firearm" has the meaning set**
7 **forth in IC 35-47-1-5.**

8 **Sec. 2. As used in this chapter, "person" has the meaning set**
9 **forth in IC 35-41-1-22.**

10 **Sec. 3. Except as provided in section 5 of this chapter, a person**
11 **may not bring an action against a firearms or ammunition**
12 **manufacturer, trade association, or seller for:**

13 **(1) recovery of damages resulting from, or injunctive relief or**
14 **abatement of a nuisance relating to, the lawful:**

- 15 **(A) design;**
16 **(B) manufacture;**
17 **(C) marketing; or**

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1 (D) sale;
2 of a firearm or ammunition for a firearm; or
3 (2) recovery of damages resulting from the criminal or
4 unlawful misuse of a firearm or ammunition for a firearm by
5 a third party.

6 Sec. 4. If a court finds that a party has brought an action solely
7 under a theory of recovery described in section 3(1) or 3(2) of this
8 chapter, the finding constitutes conclusive evidence that the action
9 is groundless. Whenever a court makes a finding under this section,
10 the court shall dismiss the action and award to the defendant any
11 reasonable attorney's fees and costs incurred in defending the
12 action.

13 Sec. 5. Nothing in this chapter may be construed to prohibit a
14 person from bringing an action against a firearms or ammunition
15 manufacturer, trade association, or seller for recovery of damages
16 for the following:

- 17 (1) Breach of contract or warranty concerning firearms or
18 ammunition purchased by a person.
19 (2) Damage or harm to a person or property owned or leased
20 by a person caused by a defective firearm or ammunition.
21 (3) Injunctive relief to enforce a valid statute, rule, or
22 ordinance.

23 SECTION 2. [EFFECTIVE UPON PASSAGE] IC 34-12-3, as
24 added by this act, applies only to actions filed after the effective
25 date of this act.

26 SECTION 3. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Waterman be added as coauthor of Senate Bill 72.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 10, after "award" insert "**to the defendant**".

Page 2, line 11, after "action" delete "to the".

Page 2, line 12, delete "prevailing party".

and when so amended that said bill do pass.

(Reference is to SB 72 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 2.

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